



Comptroller General
of the United States

Washington, D.C. 20548

Shimamura

Decision

Matter of: Collins Siding Company

File: B-237130

Date: October 16, 1989

DIGEST

1. A protester has no standing to claim a mistake in a competitor's bid, since it is the responsibility of the contracting parties--the government and the low bidder--to assert rights and bring forth the necessary evidence to resolve mistake questions.
2. Allegation that a competitor's bid was too low does not give rise to a responsiveness issue.

DECISION

Collins Siding Company protests any award of a contract to Mill Valley Construction, Inc., under invitation for bids (IFB) No. DAK48-89-B-0099, issued by the Department of the Army for the replacement of exterior siding for family housing at Fort Hood, Texas. Collins contends that Mill Valley's low alternate bid was clearly mistaken and should have been rejected as nonresponsive.

We dismiss the protest.

The IFB called for bids on 40 base items as well as 12 alternate items. The Army reserved the right to make award for the base items only, or a combination of base items and any or all of the alternate items.

Seven bids were received by the August 29, 1989, bid opening date. Mill Valley was low with a base bid of \$1,059,780 and a \$59,000 total bid on alternate items. Collins was second low with a \$1,086,384 base bid and a \$464,313 total bid on alternate items. The Army made award to Mill Valley for the base items only.

Collins contends that Mill Valley's alternate bid was too low and that the bid price therefore must have been either a mistake or based on a mistaken interpretation of the IFB's statement of work. Collins contends that Mill Valley's bid

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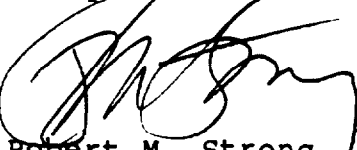
therefore should have been rejected as nonresponsive. Further, Collins contends that in view of the availability of adequate agency funds for this procurement, the Army's decision, to award a contract to Mill Valley for the base items only, was made solely to avoid resolving the alleged mistake in Mill Valley's bid for the alternate items.

The Army states that Collins has no standing to claim an error in its competitor's bid. Moreover, the agency states, the protester's allegation that Mill Valley's bid was too low is not a matter of responsiveness. We agree.

Our Office will not consider one bidder's claim that a lower bidder's bid may be mistaken since it is the responsibility of the contracting parties--the government and the low bidder--to assert rights and bring forth the necessary evidence to resolve mistake questions. Sabreliner Corp., B-231200, Aug. 31, 1988, 88-2 CPD ¶ 194. Collins, therefore, has no standing to claim an error in Mill Valley's bid. See American Maid Maintenance, B-225571, Jan. 9, 1987, 87-1 CPD ¶ 47. Moreover, Collins' contention that Mill Valley's allegedly mistaken low bid requires its rejection as nonresponsive is without merit because such allegations do not give rise to responsiveness issues. ESCO Eng'g, B-234749, June 22, 1989, 89-1 CPD ¶ 591.

Collins also contends that the agency improperly decided to make award only for the base items solely to avoid resolving the alleged mistake in the awardee's bid for the alternate items. The basis of this argument is Collins' contention that the awardee's bid for the alternate items was mistaken. Since Collins is not an interested party to challenge the awardee's bid as mistaken, Collins likewise is not an interested party to allege that the Army made award only for the base items simply to avoid resolving the alleged mistake.

The protest is dismissed.



Robert M. Strong
Associate General Counsel